REMARKS

I. Introduction

Claim 12 has been canceled. Claims 7-11 and 13 have been amended. Claims 7-11 and 13 remain pending in the present application. No new matter has been added.

II. Claim and Specification Objections

The Examiner objected to claims 7-13 based on informalities. The grammatical issues pointed out in connection with claims 7 and 13 have been rendered moot by the amendments to these claims. Withdrawal of the claim objection is therefore respectfully requested.

The Examiner objected to the Specification based on a typographical error involving the reference numeral 22. The typographical error has been corrected, and therefore the objection to the Specification should be withdrawn.

III. Drawing Objections

The Examiner objected to the drawings for failure to show the claimed "at least one vehicle sensor." The at least one vehicle sensor is described as a component within an electronic stability program (ESP) unit 15 or a knock control system 16. The at least one vehicle sensor can be any sensor used in a conventional ESP or knock control system. Under MPEP § 608.02(d), when the detailed illustration of conventional features is not essential for a proper understanding of the invention, the conventional features should be illustrated in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). Since the ESP unit 15 and the knock control system 16 are conventional components, they have been drawn as block elements. Accordingly, the drawing requirements are met, and the drawing objection should be withdrawn.

IV. Rejections under § 112

Claims 7-13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims have been amended so as to obviate the rejection. In particular, the claims have been clarified to the effect that a first one of the plurality of crash sensors generates a crash signal, while another one of the plurality of crash

sensors or a vehicle sensor generates an additional crash signal that triggers the generating of a plausibility signal.

In regard to the inclusion of a vehicle sensor as part of a vehicle dynamics control system (claims 8 and 9), the vehicle sensors can be any sensor in a conventional ESP or knock control system. Therefore, it is unnecessary for the specification to explicitly disclose the vehicle sensors.

In regard to claim 13, the recited "vehicle sensing means" corresponds to the sensors of the ESP 15 or the knock control system 16. The recited "control means" corresponds to the control unit 11. The recited "crash sensing means" corresponds to any of the sensors 10 and 12-14 shown in Figure 1. Additionally, the newly recited "additional control means" corresponds to the ESP 15 or the knock control system 16. Therefore, each of the recited means is supported in the Specification.

For the reasons set forth above, withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

V. Rejection of Claims 7 and 10-13 under § 103(a)

Claims 7 and 10-13 were rejected under 35 U.S.C. § 103(a) as being rendered obvious by U.S. Application No. 2004/0158376 ("Knueppel") in view of DE 19827557 ("Baeuerle"). Claim 12 has been canceled. Applicants submit that pending claims 7, 10, 11 and 13 are allowable for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements"

in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 7 recites, in relevant parts, "**at least one vehicle sensor** located outside of the control unit, as a component within **a control system that is connected to the control unit** and controls a vehicle function other than triggering of the restraint device; wherein the control unit is configured to check **a crash signal** generated by a first one of the **plurality of crash sensors** against **a plausibility signal** generated in response to an earliest-occurring one of (i) a crash signal from another one of the plurality of crash sensors, and (ii) a crash signal from the control system, the control unit triggering the restraint device when both the crash signal generated by the first one of the plurality of crash sensors and the plausibility signal are present." Amended claim 13 recites substantially similar features as the above-recited features of claim 7.

The above recited claim features provide that the triggering of the restraint device requires the presence of a crash signal in combination with a plausibility signal. The crash signal is generated by one of the crash sensors associated with the control unit. The plausibility signal is generated in response to a second crash signal, which in turn is generated by another crash sensor of the control unit **or** by the control system (which is outside of and connected to the control unit). Furthermore, the plausibility signal is generated in response to the earliest-occurring second crash signal. As explained on page 3, lines 19-24 of the Substitute Specification, if the plausibility signal is contingent upon a signal from a sensor inside the central unit (e.g., a crash sensor inside the control unit), there may be a substantial delay before a triggering decision is made. On the other hand, use of a sensor external to the central unit (e.g., a vehicle sensor in a control system such as a vehicle dynamics control system or a knock control system) may eliminate this delay.

There is nothing to suggest that combining Knueppel and Baeuerle would result in **a plausibility signal generated in response to an earliest-occurring one of (i) a crash signal from another one of the plurality of crash sensors, and (ii) a crash signal from the control system**. Triggering cannot occur in Knueppel until a **sufficient number** of plausibility flags are set (paragraph [0079]). In Baeuerle, triggering cannot occur until **all** of the secondary sensors (K1 to KN, SW, LM, DK, FP and KD) indicate that a crash is occurring (logic element U2 receives the outputs of each secondary sensor). Thus, in order to cause triggering, the combination of Knueppel and Baeuerle would require (i) a specific number of primary crash sensors having plausibility flags set to indicate a crash, and (ii) each secondary sensor further confirming the existence of the crash. In other words, the participation of each of the secondary sensors is mandatory in Baeuerle so that the knock sensors K1 to KN cannot, by themselves, provide the basis for a plausibility signal. Moreover, the secondary sensors do not obviate the requirement in Knueppel of further confirmation by additional primary crash sensors. Therefore, the combination of Knueppel and Baeuerle cannot possibly provide an **early alternative path to generating a plausibility signal** for causing triggering of a restraint system.

In view of all of the foregoing, withdrawal of the obviousness rejection of claims 7 and 13, as well as dependent claims 10 and 11, is respectfully requested.

VI. Rejection of Claims 8 and 9 under 35 U.S.C. § 103(a)

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being rendered obvious by Knueppel and Baeuerle in view of U.S. Patent No. 6,421,591 ("Hackenberg"). Applicants submit that claims 8 and 9 are allowable for at least the following reasons.

Claims 8 and 9 ultimately depend on claim 7. Hackenberg fails to remedy the deficiencies of Knueppel and Baeuerle as applied against parent claim 7. Accordingly, claims 8 and 9 are allowable for the same reasons as claim 7. Withdrawal of the obviousness rejection of claims 8 and 9 is respectfully requested.

CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 7 to 11 and 13 under consideration are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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